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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JESSICA POHLKAMP,

Licensee.

Physical Therapy License No. PT 33633

Case No. 1D 2007 64962

**STIPULATED SETTLEMENT  
MODIFYING TERMS OF INITIAL  
PROBATIONARY LICENSE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

1. Steven K. Hartzell is the Executive Officer of the Physical Therapy Board, State of California, and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Jill Scally, Deputy Attorney General.

2. Jessica Pohlkamp (Licensee) is a 2001 graduate of the University of Cincinnati in Cincinnati, Ohio. She first filed her physical therapist application on or about December 17, 2006, in the State of California.

3. On or about April 13, 2007, the Physical Therapy Board of California issued an Initial Probationary License (Physical Therapist License No. PT 33633) to Licensee. License No. PT 33633 is probationary and includes terms and conditions and, unless renewed,

will expire on February 28, 2009. The license was issued with a probationary status based on the following:

A. On or about September 29, 2000, Licensee was issued a citation charging OMV 70.55. She plead "no contest" on October 6, 2000, in Fairfax Mayors Court, Hamilton County in Ohio, and was found guilty of BAC of .161, Case No. 00-987 OMVI. She was ordered by the court to do three days driver intervention, and her license was suspended for 180 days.

B. On or about February 24, 2004, Licensee was charged in the Commonwealth of Kentucky, Campbell District Court with 189A0105b OpMVu/Inf Alc/Drugs,.08 Agg, 2ndDW2. She pled guilty and was convicted to an amended 1st offense, DWI, pay fee, 120 days suspension to operate a motor vehicle in Kentucky, Case No. 04-T-1025.

4. Licensee has requested modification of certain terms and conditions of her probationary license.

5. Licensee is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

## JURISDICTION

6. Section 480 (a) of the Business and Professions Code states that a board may deny a license regulated by this code on the grounds that has one of the following:

(1) Been convicted of a crime...; or (3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.... The above findings support a conclusion that grounds for denial exist pursuant to sections 480 (a)(1) and (3).

7. Section 2237 (a) of the Business and Professions Code states the conviction of a charge of violating any federal statutes or regulations or any statute or regulation of this state, regulating dangerous drugs or controlled substances, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

1                   8.       Section 2660(i) of the Business and Professions Code states the Board  
2 may, after the conduct of appropriate proceedings under the Administrative Procedure Act,  
3 impose probationary conditions upon any license, certificate or approval issued under this  
4 chapter for unprofessional conduct including, *inter alia*, conviction of a violation of any of the  
5 provisions of this chapter or of the State Medical Practice Act.

6                   9.       Section 2660.2 of the Business and Professions Code states that the Board  
7 may refuse a license to any licensee guilty of unprofessional conduct; or as an alternative, in its  
8 sole discretion, issue a probationary license to any licensee for a license who is guilty of  
9 unprofessional conduct but has met all the requirements for licensure.

10                  10.       Section 2661 of the Business and Professions Code states that a plea or  
11 verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony  
12 or of any offense which substantially relates to the qualifications, functions, or duties of a  
13 physical therapist is deemed to be a conviction within the meaning of this article. The Board  
14 may decline to issue a license.

15                  11.       Pursuant to sections 480 and 481 of the Business and Professions Code,  
16 there was cause for denial of a license to Jessica Pohlkamp.

17                  12.       Pursuant to section 2660.2 of the Business and Professions Code, there  
18 was cause to refuse a license to Jessica Pohlkamp.

19                  13.       A probationary license was issued to Jessica Pohlkamp with terms and  
20 conditions of probation. Upon the request of Jessica Pohlkamp, those terms and conditions are  
21 hereby modified.

#### 22                                   ADVISEMENT AND WAIVERS

23                  14.       Jessica Pohlkamp has carefully read, and fully understands the effects of  
24 this Stipulated Settlement Modifying Terms of Initial Probationary License.

25                  15.       Jessica Pohlkamp is fully aware of her legal rights in this matter, including  
26 the right to a hearing and the right to be represented by counsel at her own expense; the right to  
27 confront and cross-examine the witnesses against her; the right to present evidence and to testify  
28 on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses

1 and the production of documents; the right to reconsideration and court review of an adverse  
2 decision; and all other rights accorded by the California Administrative Procedure Act and other  
3 applicable laws.

4 16. Jessica Pohlkamp voluntarily, knowingly and intelligently waives and  
5 gives up each and every right set forth above.

6 CULPABILITY

7 17. Licensee admits the truth of each and every allegation contained herein.

8 18. Licensee agrees that her physical therapy license is subject to discipline  
9 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
10 Order below.

11 RESERVATION

12 19 The admissions made by Licensee herein are only for the purposes of this  
13 proceeding, or any other proceedings in which the Physical Therapy Board or other professional  
14 licensing agency is involved, and shall not be admissible in any other criminal or civil  
15 proceeding.

16 OTHER MATTERS

17 20. The parties understand and agree that facsimile copies of this Stipulated  
18 Settlement Modifying Terms of Initial Probationary License, including facsimile signatures  
19 thereto, shall have the same force and effect as the originals.

20 ORDER

21 In consideration of the foregoing admissions and stipulations, the parties agree  
22 that the Physical Therapy Board may, without further notice or formal proceeding, issue and  
23 enter the following order modifying the terms and conditions of Licensee's Initial Probationary  
24 License (Physical Therapy License No. PT 33633):

25 1. PROBATION: Licensee shall be placed on probation for a period of two  
26 years.

27 2. OBEY ALL LAWS: Licensee shall obey all federal, state and local laws,  
28 and statutes and regulations governing the practice, inspections and reporting of physical therapy

1 in California and remain in full compliance with any court-ordered criminal probation.

2 3. COMPLIANCE WITH ORDERS OF A COURT: Licensee shall be in  
3 compliance with any valid order of a court. Being found in contempt of any court order is a  
4 violation of probation.

5 4. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
6 RESTITUTION: Licensee shall not violate any terms and conditions of criminal probation and  
7 shall be in compliance with any restitution ordered, payments, and other orders.

8 5. QUARTERLY REPORTS: Licensee shall submit quarterly reports under  
9 penalty of perjury on forms provided by the Board, stating whether there has been compliance  
10 with all conditions of probation.

11 6. PROBATION MONITORING PROGRAM COMPLIANCE: Licensee  
12 shall comply with the Board's probation monitoring program.

13 7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE: Licensee shall  
14 appear in person for interviews with the Board, or its designee, upon request at various intervals.

15 8. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS  
16 AND/OR REGISTRIES: Licensee shall notify all present or future employers and/or registries  
17 of the reason for and the terms and conditions of the probation by providing a copy of the  
18 Stipulated Settlement Modifying Terms of Initial Probationary License to the employers and/or  
19 registries, and submit written employer and/or registry confirmation of receipt to the Board  
20 within 10 days. The notification(s) shall include the name, address and phone number of the  
21 employer and/or registry, and, if different, the name, address and phone number of the work  
22 location.

23 9. NOTIFICATION OF CHANGE OF NAME OR ADDRESS: Licensee  
24 shall notify the Board, in writing, of any and all of name and/or address changes within ten days.

25 10. PROHIBITED USE OF ALIASES: Licensee shall not use aliases and  
26 shall be prohibited from using any name which is not her legally recognized name or based upon  
27 a legal change of name.

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1                   11.     INTERMITTENT WORK: If Licensee works less than 192 hours as a  
2 physical therapist or a physical therapist assistant in the physical therapy profession in a period of  
3 three months, those months shall not be counted toward satisfaction of the probationary period.  
4 Licensee shall notify the Board if she works less than 192 hours in a three-month period.

5                   12.     TOLLING OF PROBATION: The period of probation shall run only  
6 during the time Licensee is practicing or performing physical therapy within California. If,  
7 during probation, Licensee does not practice or perform within California, Licensee is required to  
8 immediately notify the probation monitor in writing of the date that Licensee is practicing or  
9 performing physical therapy out of state, and the date of return, if any. Practicing or performing  
10 physical therapy by Licensee in California prior to notification of the Board of Licensee's return  
11 will not be credited towards completion of probation. Any order for the payment of cost  
12 recovery shall remain in effect whether or not probation is tolled.

13                  13.     VIOLATION OF PROBATION: If Licensee violates probation in any  
14 respect, the Board, after giving Licensee notice and the opportunity to be heard, may revoke  
15 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
16 revoke probation is filed against Licensee during probation, the Board shall have continuing  
17 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
18 is final.

19                  14.     REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT,  
20 HEALTH, OR OTHER REASONS: Following the effective date of this probation, if Licensee  
21 ceases practicing or performing physical therapy due to retirement, health or other reasons or is  
22 otherwise unable to satisfy the terms and conditions of probation, Licensee may request to  
23 surrender her license to the Board. The Board reserves the right to evaluate Licensee's request  
24 and to exercise its discretion whether to grant the request, or to take any other actions deemed  
25 appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered  
26 license, the terms and conditions of probation shall be tolled until such time as the license is no  
27 longer renewable; Licensee makes application for the renewal of the tendered license or makes  
28 application for a new license.

1                   15.     COMPLETION OF PROBATION: Upon successful completion of  
2 probation, Licensee's license shall be fully restored.

3                   16.     PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
4 ON PROBATION: It is not contrary to the public interest for Licensee to practice and/or  
5 perform physical therapy under the probationary conditions specified in the disciplinary order.  
6 Accordingly, it is not the intent of the Board that this order, the fact that Licensee has been  
7 disciplined or that Licensee is on probation, shall be used as the sole basis for any third party  
8 payor to remove Licensee from any list of approved providers.

9                   17.     PROBATION MONITORING COSTS: Licensee shall reimburse all costs  
10 incurred by the Board for probation monitoring during the entire period of probation. Licensee  
11 will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board  
12 of California. Failure to make ordered reimbursement within 60 days of the billing shall  
13 constitute a violation of the probation order.

14                  18.     RESTRICTION OF PRACTICE - TEMPORARY SERVICES  
15 AGENCIES: Licensee's work for a temporary services agency or registry shall be limited as  
16 follows: (1) Licensee shall be limited to work for one temporary service agency or registry;  
17 (2) this work must be approved by her probation monitor; (3) Licensee must disclose this  
18 term/condition, as described above in term/condition number 8, to the temporary service agency  
19 or registry; and (4) Licensee must disclose to the supervisor at the facility where physical therapy  
20 care is being performed, as described above in term/condition number 8, the probationary status  
21 of her license, including these terms and conditions.

22                  19.     RESTRICTION OF PRACTICE-HOME CARE: Licensee shall not  
23 provide physical therapy services in a patient's home.

24                  20.     RESTRICTION OF PRACTICE-SOLO PRACTICE: Licensee shall be  
25 prohibited from engaging in the solo practice of physical therapy.

26                  21.     RESTRICTION OF PRACTICE-PRESENCE OF ANOTHER  
27 PHYSICAL THERAPIST REQUIRED: Licensee shall be prohibited from working any shift in  
28 which there are no other licensed health care professionals on duty.

1                   22.     RESTRICTION OF PRACTICE-PROHIBITION OF SELF  
2     EMPLOYMENT OR OWNERSHIP: Licensee shall not be the sole proprietor or partner in the  
3     ownership of any business that offers physical therapy services. Licensee shall not be a board  
4     member or an officer or have a majority interest in any corporation that offers or provides  
5     physical therapy services.

6                   23.     RESTRICTION OF PRACTICE-ADMINISTRATION OR POSSESSION  
7     OF CONTROLLED SUBSTANCES: Licensee shall not administer or possess any controlled  
8     substances as defined in the California Uniform Controlled Substances Act. This prohibition  
9     does not apply to medications lawfully prescribed to Licensee for a bona fide illness or condition  
10    by a practitioner licensed to prescribe such medications.

11                  24.     PROHIBITION OF POSSESSION OR USE OF CONTROLLED  
12    SUBSTANCES: Licensee shall abstain completely from the personal use or possession of  
13    controlled substances as defined by section 4211 of the Business and Professions Code, or any  
14    drugs requiring prescriptions. This prohibition does not apply to medications lawfully prescribed  
15    to Licensee for a bona fide illness or condition by a practitioner licensed to prescribe such  
16    medications. Failure to comply with any component of this condition as specified above is a  
17    violation of probation.

18                  25.     DIVERSION PROGRAM: Within 30 days from the effective date of this  
19    decision, Licensee shall enroll and participate in the Board's Diversion Program at Licensee's  
20    cost until the diversion program determines that participation in the Diversion Program is no  
21    longer necessary. Failure to comply with requirements of the Diversion Program, terminating the  
22    program without permission, or being expelled for cause, shall constitute a violation of probation  
23    by Licensee. Failure to comply with any component of this condition as specified above is a  
24    violation of probation and shall be immediately suspended from the practice of physical therapy.

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ACCEPTANCE

I have carefully read the Stipulated Settlement Modifying Terms of Initial Probationary License. I understand the stipulation and the effect it will have on my Physical Therapist license. I enter into this stipulation voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: August 6, 2007.

Original Signed By: \_\_\_\_\_  
JESSICA POHLKAMP, P.T.  
Licensee

ENDORSEMENT

The foregoing Stipulated Settlement Modifying Terms of Initial Probationary License is hereby respectfully submitted for consideration by the Physical Therapy Board.

DATED: August 22, 2007

EDMUND G. BROWN JR., Attorney General  
of the State of California  
  
GAIL M. HEPPELL  
Supervising Deputy Attorney General

Original Signed By: \_\_\_\_\_  
JILL SCALLY  
Deputy Attorney General  
  
Attorneys for Complainant

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3 **BEFORE THE**  
4 **PHYSICAL THERAPY BOARD OF CALIFORNIA**  
5 **DEPARTMENT OF CONSUMER AFFAIRS**  
6 **STATE OF CALIFORNIA**

7 In the Matter of the Accusation Against: ) Case No: 1D 2007 64962  
8 JESSICA POHLKAMP )  
9 8121 Nagelwoods Drive )  
10 Cincinnati, OH 45255 )  
11 Respondent. )  
12 \_\_\_\_\_ )

13 **DECISION AND ORDER**

14 The attached Stipulated Settlement and Disciplinary Order is hereby adopted by  
15 the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision  
16 in this matter.

17 This Decision shall become effective on November 30, 2007.

18 It is so ORDERED October 31, 2007.

19 Original Signed By:  
20 FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
21 DEPARTMENT OF CONSUMER AFFAIRS  
22 Nancy Krueger, PT, President  
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